

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05037

APN# 177-063-008-000
FINDINGS & DECISION

In the matter of the application of
ELLIOTT GEORGE A TR ET AL (PLN050229)

Combined Development Permit consisting of a Use Permit to allow a school for 60 elementary students and a Use Permit for a Day Care Center in conjunction with the school; and Design Approval. The project is located at 52 Spreckels Boulevard and 12-14 Hatton Avenue, in the historic district of Spreckels, Greater Salinas Area Plan. The project came on regularly for hearing before the Planning Commission on August 10, 2005.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto;

FINDINGS OF FACT

- 1. FINDING:** The Combined Development Permit and Design Approval (PLN050229) as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, the Greater Salinas Area Plan, Spreckels Design Guidelines and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The parcel is zoned "LC-D-HR (Light Commercial, Design Review, Historic District) The project is in compliance with Site Development Standards for a Light Commercial District in accordance with Section 21.18.060.

EVIDENCE: The Combined Development Permit and Design Approval with project plans; and a recommendation from the Historical Resources Review Board (HRRB) dated August 4, 2005.

EVIDENCE: Spreckels Neighborhood Design Review Committee unanimously recommended approval.

EVIDENCE: Oral testimony and HRRB discussion during the public hearing and the administrative record.

EVIDENCE: "HR" (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code.

EVIDENCE: Secretary of the Interior's Standards for the Treatment of Historic Properties.

EVIDENCE: The application and plans submitted for two use permits in project file PLN050229 at the Monterey County Planning and Building Inspection Department.
- 2. FINDING:** The proposed temporary project as conditioned (Condition #6 and #7), is consistent with Section 21.54 of the Monterey County Zoning Code (Regulations for Historic Resources Zoning Districts) and will neither adversely affect the significant architectural features of the designated

resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the designated resource and its site.

EVIDENCE: The Historic Resources Review Board reviewed the project on July 7, 2005 meeting and continued the project to the August 4, 2005 meeting. At the August 10, 2005 Planning Commission hearing, the applicant verbally confirmed that a new school site has been identified, an architect has been hired, and that designs for the new site are in progress.

EVIDENCE: Spreckels Neighborhood Design Review Committee voted unanimously recommend approval on July 20, 2005.

EVIDENCE: “HR” (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code.

EVIDENCE: Secretary of the Interior’s Standards for the Treatment of Historic Properties.

EVIDENCE: Oral testimony and HRRB discussion during the public hearing and the administrative record.

EVIDENCE: The application and plans submitted for the use permit and design approval in project file PLN050229 at the Monterey County Planning and Building Inspection Department.

3. FINDING: The proposal conforms to the standards and Spreckels Design Guidelines adopted by the Board of Supervisors and would not adversely affect the character of the district.

EVIDENCE: Combined Development Application and Design Approval and other materials in file PLN050229 (Elliott).

EVIDENCE: “HR” (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code. After approval of the original Use Permits (File No. 94077 and PC95101) the subsequent extension of the Use Permits PLN99161 and PLN020187 required a condition to use certain materials on the roofing, siding and architectural features on the modular buildings to assure compatibility with the surround historic district. The applicant has complied with this condition, (Condition no.6) and it is incorporated in this permit to ensure ongoing compliance.

EVIDENCE: Secretary of the Interior’s Standards for the Treatment of Historic Properties.

EVIDENCE: Spreckels Design Guidelines, Monterey County Planning and Building Inspection Department dated February 1999.

EVIDENCE: Oral testimony and Spreckels Neighborhood Design Review Committee discussion during the public hearing held on July 20, 2005.

EVIDENCE: Oral testimony and HRRB discussion on July 7, 2005 and August 4, 2005 during the public hearing and the administrative record.

4. FINDING: The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire District, Public Works Department, the Environmental Health Division, the Spreckels Neighborhood Design

Review Committee and the Historical Resources Review Board. There has been no indication from those agencies that the site is not suitable. There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed. Recommended conditions have been incorporated into the Conditions of Approval as Exhibit "C."

EVIDENCE: The application and plans submitted for the use permit and design approval in project file PLN050229 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The Combined Development Permit and Design Approval with project plans was reviewed by the HRRB on July 7, 2005. The project was continued to August 4, 2005. The applicant informed the HRRB that a lease had been signed for a new school site. The HRRB voted unanimously to require the applicant provide: a signed lease entered into, a use permit applied for and a signed contract with the architect. At the August 10, 2005 Planning Commission hearing, the applicant verbally confirmed that a new school site has been identified, an architect has been hired, and that designs for the new site are in progress.

EVIDENCE: Spreckels Neighborhood Design Review Committee unanimously recommended approval.

5. FINDING: The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. Once the Use Permit is approved the project will be in compliance.

EVIDENCE: The use is currently operating without a land use permit. Approval of the two Use Permits would bring the use into compliance. The Combined Development Permit consisting of two Use Permits (File 94077 and PC95101) expired on June 30, 2004. The applicant was required to pay double application fees for the new Combined Development Permit. Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any other violations existing on subject property.

6. FINDING: The project is categorically exempt under Class 1, Section 15301, of the Monterey County and California CEQA Guidelines relating to existing facilities.

EVIDENCE: None of the conditions listed in Section 15162 of the CEQA Guidelines have occurred with respect to the extension of the Use Permit and the operation of the school. There are no substantial changes with respect to the circumstances under which the project was originally undertaken.

EVIDENCE: Application and materials located in Project Files 94077, PC990161 and PLN020187, PLN050229, and the administrative record.

7. FINDING: The establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire District, Public Works Department and the Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed. Recommended conditions have been incorporated into the Conditions of Approval as Exhibit "C."

EVIDENCE: The project has been reviewed by the Spreckels Neighborhood Design Review Committee and the Historical Resources Review Board.

EVIDENCE: Application materials in project file PLN050229.

8. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 10th day of August, 2005 by the following vote:

AYES: Errea, Parsons, Hawkins, Padilla, Vandevere, Sanchez, Salazar, Rochester
NOES: None
ABSTAIN: None
ABSENT: Diehl, Wilmot

DALE ELLIS, SECRETARY

Copy of this decision mailed to the applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: ELLIOTT GEORGE A TR ET AL

File No: PLN050229

APN: 177-063-008-000

Approval by: PLANNING COMMISSION Date: August 10, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<p>PBD029 - SPECIFIC USES ONLY Combined Development Permit consisting of a Use Permit (PLN050229) to allow a school for 60 elementary students and a Use Permit for an after school day care center in conjunction with the school, in the "HR" (Historic Resources) Zoning District. The property is located at, 52 Spreckels Boulevard and 12-14 Hatton Avenue, Spreckels, in the Spreckels Historic District (Assessor's Parcel Number 177-063-008-000), in the Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	
2		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05037) was approved by the Planning Commission for Assessor's Parcel Number 177-063-008-000 on August 10, 2005. The permit was granted subject to 19 conditions of approval which run with the land. A</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to start of use.	

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		copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)				
3		PBD NON-STANDARD CONDITION The hours of operation for the school and day care shall be 7:30 to 5:30 p.m. Monday through Friday. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant		
4		PBD NON-STANDARD CONDITION Applicant shall provide (3) parking spaces on site at 12-14 Hatton Avenue with no parking in the adjacent alley, and eight parking spaces at 52 Spreckels Boulevard in accordance with Section 21.58.040 of Title 21 (Zoning) of the Monterey County Code. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant		
5		PBD NON-STANDARD CONDITION Applicant shall orient parents about legal parking requirements and shall monitor parking and traffic activity during drop-off and pick-up times. If necessary, applicant shall prepare and distribute a brochure outlining parking requirements, subject approval of Planning and Building Inspection. (Planning and Building Inspection)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant		
6		PBD NON-STANDARD CONDITION The manufactured units at 52 Spreckels Boulevard shall comply with the following construction specifications: a. Siding to be vertical wood siding; b. Trim size to be minimum 1-inch by 6 inch around windows and doors, 2 inch by 8-inch fascia board minimum; c. Roofing to be metal; and	Adhere to conditions and uses specified in the permit.	Owner/ Applicant		

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		d. Exterior colors to match historic buildings at 12-14 Hatton Avenue. (Planning and Building Inspection)				
7		PBD NON-STANDARD CONDITION The temporary buildings shall be removed from the site by September 1, 2006 if the school moves to the new location in 2006 or September 1, 2007 if the school is moved in 2007.	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	September 1, 2006 if the school moves to the new location in 2006 Prior to 9/1/06 or 9/107	
8		EH35 - CURFFL All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. (Environmental Health)	Submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits/ Ongoing	
9		PW0007 – PARKING STD - The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection.	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	
10		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each	Applicant shall schedule fire dept. clearance inspection	Owner/ Applicant	Prior to start of use.	

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		individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Salinas Rural Fire District)				
11		FIRE030 – NON-STANDARD CONDITION – FIRE DRILLS – At both school locations, fire drills shall be conducted once a month for preschools, elementary and intermediate schools, and twice a year for secondary schools, per Title 19, California Code of Regulations. (Salinas Rural Fire District)	Conduct fire drills at the frequencies required by Title 19, CCR.	Owner/ Applicant	Ongoing	
12		FIRE030 – NON-STANDARD CONDITION – EMERGENCY PLAN – At both school locations, emergency pre-fire plans shall be posted and shall include the following elements as required by Title 19, California Code of Regulations: <ul style="list-style-type: none"> a. Fire department emergency telephone number; b. Assignment of person responsible to call 	Produce and post a emergency pre-fire plan as required by Title 19, CCR.	Owner/ Applicant	Prior to start of use	

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		<p>fire department in case of emergency;</p> <p>c. Evacuation routes leading to a public way;</p> <p>d. Instruction to be followed by teachers (teacher shall maintain order during evacuation and shall remove roll book from classroom to call roll when designated evacuation area is reached)</p> <p>(Salinas Rural Fire District)</p>				
			Maintain the emergency pre-fire plan as required by Title 19, CCR	Owner/ Applicant	Ongoing	
13		FIRE030 – NON-STANDARD CONDITIONS – DOORS AND GATES – At both school locations, exit doors and gates shall be openable from the inside without the use of a key or any special knowledge or effort. . (Salinas Rural Fire District)	Maintain the door and gate hardware as required.	Owner/ Applicant	Ongoing	
14		FIRE030 – NON-STANDARD CONDITIONS – PORTABLE FIRE EXTINGUISHERS – At both school locations, portable fire extinguishers with a minimum rating of 2A:10B:C shall be mounted in each classroom and serviced annually or immediately after use, whichever occurs first. . (Salinas Rural Fire District)	Mount and maintain portable fire extinguishers.	Owner/ Applicant	Ongoing	
15		FIRE030 – NON-STANDARD CONDITIONS – FLAMMABLE & COMBUSTIBLE LIQUIDS STORAGE LIMITATIONS – At both school locations, no flammable or combustible liquids shall be placed, stored or used in any Group “E” occupancy except in approved quantities as necessary in laboratories and approved utility rooms. Such liquids shall be kept in tight or sealed	Comply with flammable and combustible liquids storage limitations.	Owner/ Applicant	Ongoing	

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		containers when not in actual use and shall be stored within a storage cabinet for flammable liquids approved by the fire department. (Salinas Rural Fire District)				
16		FIRE030 – NON-STANDARD CONDITIONS – FIRE SAFETY INSPECTION – At both school locations, fire clearance inspection is required prior to final clearance for the use permit and shall be conducted on an annual basis as required for Group E occupancies. (Salinas Rural Fire District)	Schedule a fire clearance inspection.	Owner/ Applicant	Prior to start of use.	
			Submit to annual fire inspections as required for Group E occupancies.	Owner/ Applicant	Ongoing	
17		FIRE030 – NON-STANDARD CONDITIONS – CODE APPLICABILITY – In addition to the specific requirements of this permit, both school locations shall comply with all the applicable provisions of the California Code of Regulations Title 19, California Fire Code, California Building Code and local ordinances of the Spreckels Community Services District. (Salinas Rural Fire District)	Comply with applicable codes.	Owner/ Applicant	Ongoing	
18		FIRE030 – NON-STANDARD CONDITIONS – MAINTENANCE OF FIRE RESISTIVE CONSTRUCTION – At the Hatton Avenue location, the storage room and janitor’s closets shall be maintained with one-hour occupancy separations with openings protected with ¾ hour assemblies. (Salinas Rural Fire District)	Maintain rated construction for occupancy separations.	Owner/ Applicant.	Ongoing	

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19		FIRE030 – NON-STANDARD CONDITIONS – EXISTING FIRE ALARM SYSTEM – The existing fire alarm systems at both locations shall be maintained operational at all times and shall be inspected and serviced by licensed fire alarm contractors as required by NFPA 72, National Fire Alarm Code. (Salinas Rural Fire District)	Maintain fire alarm systems in operational condition at all times	Owner/ Applicant	Ongoing	
			Submit copies of periodic maintenance and inspection reports prepared by fire alarm contractor(s) at the time of required service/inspection	Owner/ Applicant	Ongoing	

End of Conditions.